



MONTAGUE PLANNING AND CONSERVATION

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PROPOSED AMENDMENTS TO THE MONTAGUE ZONING BYLAW SITE PLAN REVIEW FOR 10/29/2014 TOWN MEETING APPROVAL Final Revision Date: 9/23/2014

SECTION 5.2 (c)

The proposed text refers the site plan review applicability criteria to the new site plan review section 8. This means having the criteria listed in one place in the bylaws instead of two.

Current Text:

5.2 (c) Environmental Impact Statement and Site Plan Review

All uses that involve the construction or alteration or change of use of over 5,000 square feet of floor area or the development of over 130,680 square feet (3 acres) of land or a Solar Energy Facility shall be subject to Environmental Impact and Site Plan Review as outlined in Section 8 of this bylaw. Environmental Impact and Site Plan Review shall be conducted by the Board of Appeals unless otherwise stated.

Proposed:

Strike text from section 5.2(c) in its entirety and replace it with the following text:

5.2 (c) Site Plan Review:

Certain uses and activities identified in section 8.2 are subject to Site Plan Review. Site Plan Review shall be conducted by the Board of Appeals unless otherwise noted.

SECTION 5.2 (d)

This proposed text removes “Environmental Impact” from the current language. Second paragraph remains unchanged.

Current Text:

5.2(d) Procedures:

All applications for Special Permits and Environmental Impact and Site Plan Review from the Board of Appeals or the Planning Board shall be subject to the procedural requirements established by the respective Board.

The Board of Appeals or Planning Board may determine that the assistance of outside professional expertise is required due to the size, scale, or complexity of a given project or its potential impact on the health, safety, and welfare of the Town. When outside review is determined to be necessary, the Board may require that the applicant

pay all reasonable expenses for this purpose, in accordance with the Board's regulations and M.G.L. Chapter 44 Section 53G.

Proposed:

Strike text from section 5.2(d) in its entirety and replace it with the following text:

5.2(d) Procedures:

All applications for Special Permits and Site Plan Review from the Board of Appeals or the Planning Board shall be subject to the procedural requirements established by the respective Board.

The Board of Appeals or Planning Board may determine that the assistance of outside professional expertise is required due to the size, scale, or complexity of a given project or its potential impact on the health, safety, and welfare of the Town. When outside review is determined to be necessary, the Board may require that the applicant pay all reasonable expenses for this purpose, in accordance with the Board's regulations and M.G.L. Chapter 44 Section 53G.

SECTION 5.2.6 (d)

This is the section that identifies the Planning Board as the Site Plan Review Authority within the Industrial District. The proposed text removes "Environmental Impact" and references section 8.2 for the review thresholds rather than listing them out in two separate areas in the bylaws.

Current:

5.2.6 (d) Uses Subject to Environmental Impact and Site Plan Review from the Planning Board:

All uses covered in Section (a) that involve the construction or alteration of over 5,000 square feet of floor area or the development of over 130,680 square feet (3 acres) of land or a Solar Energy Facility.

Proposed:

Strike text from section 5.2.6 (d) in its entirety and replace it with the following text:

5.2.6 (d) Uses Subject to Site Plan Review from the Planning Board:

All uses covered in Section (a) that involve one or more of the applicability requirements identified in Section 8.2.

SECTION 7.5.2

The proposed text removes "and Section 8.5" from the current telecommunications section because section 8.5 is being relocated to 7.5.3. Section 8.5 is the special permit submittal requirements for telecommunication facilities.

Current:

7.5.2 General Provisions.

Telecommunication Facilities may be allowed by Special Permit from the Board of Appeals pursuant to Section 5.2, Section 7.5, and Section 8.5. Conditions shall maximize the shared use of any new or existing structures to minimize the required number of such facilities; and shall minimizing adverse visual impacts through careful design, siting, and screening. No facility shall be located in a (RS) Residential District. (see: Section 2. Definitions)

Proposed:

Strike text from Section 7.5.2 in its entirety and replace it with the following text:

7.5.2 General Provisions.

Telecommunication Facilities may be allowed by Special Permit from the Board of Appeals pursuant to Sections 5.2 and Section 7.5. Conditions shall maximize the shared use of any new or existing structures to minimize the required number of such facilities; and shall minimizing adverse visual impacts through careful design, siting, and screening. No facility shall be located in a (RS) Residential District. (see: Section 2. Definitions)

SECTION 7.5.3

This section would relocate the entire subsection 8.5 from the site plan review section into the telecommunications subsection where special permit requirements should be. Text does not change.

Add Section 7.5.3 -Special Permit Submittal Requirements-Telecommunications Facilities. (formerly section 8.5). renumber subsequent sections accordingly

7.5.3 Special Permit Submittal Requirements-Telecommunication Facilities

The following materials shall be submitted with the Special Permit application for Telecommunication Facilities.

1. A site plan shall be prepared by a registered engineer. The plan shall include four (4) view lines in a one (1) mile radius from the proposed site, shown beginning at True North and continuing clockwise at ninety (90) degree intervals. In addition the applicant shall set a balloon at the location and height of proposed towers.
2. A report from a registered engineer shall:
 - a. demonstrate that the facility complies with all applicable standards of the State and Federal governments;
 - b. describe the capacity of the tower or facility including the number and type of transmitter/receivers that it can accommodate;
 - c. describes the planned layout of all facilities in Montague and abutting Towns;
 - d. describes all accessory structures to be constructed on site.
3. A copy of the requests made by the applicant to the Federal Aviation Administration (FAA) and the Massachusetts Aeronautics Commission,

- including responses from those agencies, demonstrating compliance with applicable regulations related to the facility.
4. A locus map at an appropriate scale showing all buildings within 500 feet of the proposed facility.
 5. A copy of the co-location agreements.
 6. Independent verification of any materials or data submitted as a part of an application to the Zoning Board of Appeals shall be accomplished at the expense of the applicant.

SECTION 7.7.2

The proposed text removes “Environmental Impact” from the current self-storage facility section.

Current:

7.7.2 General Provisions:
Environmental Impact and Site Plan Review is required

Proposed:

Strike text from section 7.7.2 in its entirety and replace it with the following text

7.7.2 General Provisions:
Site Plan Review is required

SECTION 8: SITE PLAN REVIEW

The proposed text would Strike Section 8 in its entirety and replace it with new text.

SECTION 8.1- Purpose

This removes “Environmental Impact Statement” from the current language and shortens the purpose to a one sentence explanation.

Current:

8.1 Purpose

The purpose of the Environmental Impact and Site Plan Review process is to provide detailed review of certain uses and structures which have a potential for significant impact on the character and infrastructure of the Town, thereby affecting the public health, safety and general welfare. The Environmental Impact and Site Plan Review is intended to promote and protect the natural, environmental, scenic and aesthetic qualities of the Town of Montague.

Proposed:

8.1 Purpose

The purpose of the Site Plan Review process is to provide detailed review of certain uses and structures which have a potential for significant impact on the character, infrastructure, and natural resources of the Town of Montague.

SECTION 8.2- Applicability

This new section, relocated from 5.2(c) has substantial updates. Threshold A is reduced from 5,000 to 3,000 square feet. Threshold B remains the same. Thresholds C and D are new. Sections E, F, G are already regulated by site plan review, but are currently listed elsewhere in the bylaw.

Current:

5.2 (c) Environmental Impact Statement and Site Plan Review

All uses that involve the construction or alteration or change of use of over 5,000 square feet of floor area or the development of over 130,680 square feet (3 acres) of land or a Solar Energy Facility shall be subject to Environmental Impact and Site Plan Review as outlined in Section 8 of this bylaw. Environmental Impact and Site Plan Review shall be conducted by the Board of Appeals unless otherwise stated.

Proposed:

8.2 Applicability

The following activities and uses are subject to site plan review:

- a) All uses that involve the construction or expansion or change of use of over 3,000 square feet of floor area.
- b) All uses that involve the development of over 130,680 square feet (3 acres) of land.
- c) Any new structure, group of new structures, changes of use, or additions which result in an increase of 500 or more vehicle trips per day, as proposed in an applicant's business plan acceptable to the reviewing authority or estimated by a professional engineer.
- d) All uses that involve the construction or expansion of a parking area that creates ten (10) or more new parking spaces.
- e) self-storage facilities, in accordance with Section 7.7
- f) solar energy facilities, in accordance with section 7.9
- g) registered marijuana dispensaries, in accordance with section 7.10

SECTION 8.3- Application Procedure

This re-written section formally ties Site Plan Review to a Special Permit process when a Special Permit is required under section (a). Most SPR will be subject to the process in Section A. Section B creates a new, streamlined review process when a use is allowed as of right in the zoning, but meets the Site Plan Review applicability criteria in 8.2.

Current:

8.2 Application Procedure

All uses and structures that require Environmental Impact and Site Plan Review shall be subject to the procedures and standards set forth in this section.

- (a) Applications shall specifically and thoroughly address all factors for evaluation in Section 8.
- (a) Applicants are advised to discuss their projects and submittal requirements with the appropriate Board and staff prior to preparation of an Environmental Impact Statement and Site Plan.
- (b) The Board of Appeals or Planning Board, as appropriate, may waive any section or sections of the Impact Statement or Site Plan that it deems inapplicable to the proposed project.
- (d) In reviewing applications under this section, the Board of Appeals or Planning Board, as appropriate, may require modifications, conditions and safeguards reasonably related to this section and based upon the purposes stated in Section 8.
- (c) The Board of Appeals or Planning Board, as appropriate, shall hold a public hearing, vote and issue decisions on any application filed under this section in accordance with procedures outlined in M.G.L. Chapter 40A, Sections 9 and 11.

Proposed:

8.3 Procedure

All uses and structures that require Site Plan Review shall be subject to the procedures and requirements set forth in this section and in Section 8.4. The Board of Appeals or Planning Board, as appropriate, may waive any requirement in Section 8.4 that it deems inapplicable to the proposed project. Site Plan Review procedures will be based on whether or not a Special Permit is required:

- (a) **Special Permit Required**
The Special Permit Granting Authority shall hold a public hearing, vote and issue decisions on any application filed under this section in accordance with procedures outlined in M.G.L. Chapter 40A, Sections 9 and 11.
- (b) **Special Permit Not Required**
Site Plan Review shall be conducted by the Board of Appeals for uses that are allowed as of right, unless otherwise noted. A public hearing is not required and approval requires a vote of a simple majority of the Board. Failure of the Board to act within sixty (60) days of submission shall constitute an approval of the site plan.

SECTION 8.4- Site Plan Elements

This new section combines elements of the existing Impact Statement and Site Plan review. The new section enumerates the standard elements required in a site plan submission. This ensures consistent submissions across the two reviewing boards. A formal impact statement is

no longer required.

Current:

8.3 Impact Statement 5/6/00

(a) The applicant shall submit an impact statement, prepared by a registered professional engineer, to explain how the project will promote the environmental health of the community and minimize if not eliminate adverse effects on the natural resources and infrastructure of the Town.

(b) Factors for Evaluation of Impact Statement

In reviewing the statement, the Board of Appeals or Planning Board, as appropriate, shall assure:

1. Protection against detrimental or offensive uses by control of glare, noise, heat, smoke, dust, vibration and wastes and the preservation of light and air quality;
2. Preservation of the flow and quality of surface and ground waters, provision of adequate surface water drainage and consideration of the degree to which water is recycled into the ground;
3. Safety and adequacy of on- and off-site vehicular and pedestrian movement;
4. Preservation or promotion of wildlife refuges and habitats, historic sites, unique geological, botanical and archeological features, existing or potential trails and access to open space areas;
5. Consideration of the impact of the project on Town infrastructure and services

8.4 Site Plan 5/6/00

The applicant shall submit a site plan prepared by a registered professional engineer, and if applicable, a building plan, to enable the Board of Appeals or Planning Board, as appropriate, to determine if the project will promote the orderly development of infrastructure and the natural, scenic and aesthetic qualities of the Town.

(a) Factors for Evaluation of Site Plan.

In reviewing the Site Plan, the Board of Appeals or Planning Board, as appropriate, shall assure that the design is adequate and the following factors are appropriately addressed:

- Building design
- Building location and its relationship to the site and adjoining area.
- Lot coverage
- Landscaping and site treatment
- Traffic capacity and safety, parking and pedestrian access
- Surface water drainage
- Utility services and proposed connections

- Exterior lighting and signage
- On-site waste disposal

Proposed:

8.4 Site Plan Elements

Site plans shall be prepared by a professional engineer, architect, or surveyor and shall at a minimum, accurately include the following information, if applicable:

- Building dimensions and design
- Building location, lot boundaries, and adjacent ways
- Natural features including topography, contours, wetlands, streams, waterbodies, and areas subject to flooding
- Landscaping features including the location and description of screening, fencing, and plantings
- Stormwater management
- Circulation plan for vehicular, pedestrian, and bicycle access to the site and within the site
- Parking and loading accommodations
- Utility services and proposed connections
- Location and intensity of exterior lighting
- Exterior signage
- On site waste management and snow removal
- Hours of operation, estimated daily and peak hour vehicle trips, estimated volumes of water and wastewater.

SECTION 8.5- Approval Guidelines

The new section provides the reviewing board and applicant clear guidelines with which to evaluate a site plan.

Proposed:

8.5 Approval guidelines

A site plan may be approved upon consideration of the following:

- Design features that integrate the proposed development into the existing landscape, maintain neighborhood character, enhance natural and aesthetic assets and screen objectionable features from neighbors and roadways;
- Impacts to Town infrastructure and services should be mitigated or improved;
- Compliance with all other sections of the Montague Zoning Bylaws.

SECTION 8.6- Decision

This new section directs the Site Plan Review authority to file the site plan approval with the Inspector of Buildings/Zoning Enforcement officer, who may then deny building permits if work is not completed in compliance with the site plan approval.

8.6 Decision

The site plan may be approved, approved with reasonable conditions, or rejected if a site plan fails to furnish adequate information required in Section 8.4. Decisions are to be filed with the Town Clerk and the Inspector of Buildings.

SECTION 8.7- Appeals

8.7 Appeals

Decisions on site plans may be appealed directly to Superior Court in accordance with Section 17 of the Zoning Act, MGL c. 40A, whether or not the Site Plan Review is for a project that requires a Special Permit.

This new section requires appeals to be heard in superior court.

SECTION 8.8- Expiration

8.8 Expiration

Site plan approval shall expire within two (2) years if a substantial use thereof has not commenced. The approval may be extended by up to two (2) years at request of the applicant.

This new section sets a reasonable expiration and extension timeframe for site plan review.

SECTION 9.7.1(a)- Water Supply Protection District- Conditions

This proposed text removes Site Plan Review standards from being automatically applied to all special permits in the Water Supply Protection Overlay District. It is not clear in the current text whether site plan review is technically required with the Water Supply Protection District, or if relevant standards are to be applied to a special permit. The WSPD has specific special permit requirements and conditions. The amended text prevents issues such as traffic, aesthetics, signage, from distracting from the purpose of the zoning district which is to prevent contamination of public water supplies.

Current:

9.7.1(a) The Planning Board may grant the required Special Permit only upon finding that the proposed use meets the following standards and those specified in Section 8 Environmental Impact and Site Plan Review of this by-law. The proposed use must:

- 1) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water available in the WSPD, and;
- 2) Be designed to minimize disturbance of the soils, topography, drainage,

vegetation, and other water-related natural characteristics of the site to be developed.

Proposed:

Strike text from section 9.7.1(a) in its entirety and replace it with the following text:

- (a) The Planning Board may grant the required Special Permit only upon finding that the proposed use:
 - 3) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water available in the WSPD, and;
 - 4) Be designed to minimize disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.